

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

JOSE BARCO,

Plaintiff,

v.

Case No. 3:17cv96-LC-CJK

**SGT. S. SMILEY, SGT. S. CHOPP,
CAPTAIN GRIFFIN, and
WARDEN J. SLOAN,**

Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 26, 2017 (doc. 9). Plaintiff has been furnished a copy of the Report and Recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of the timely filed objections.

Having considered the Report and Recommendation, and the objections thereto, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and

incorporated by reference in this order.

2. This case is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B) for plaintiff's failure to state a claim upon which relief can be granted.

3. The Clerk is directed to close the file.

DONE AND ORDERED this 8th day of November, 2017.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE